

DISCUSSION OF THE AMENDMENT

Claims 1, 3-9 and 11-27 are active in the present application. Claims 2 and 10 are canceled claims. Claims 25 and 26 are new claims. Support for new Claims 25-27 is found in the previously presented claims and in the first full paragraph on page 17 and the examples of the specification. Dependent Claims 17-22 are amended for matters of form. Dependent Claims 17-18 and 20-21 now recite a metal oxide fine particle having cross-linkable functional groups.

No new matter is added.

REMARKS

Applicants thank the Office for withdrawing the rejections over JP' 791.

The Office now rejects the claims over a combination of Kawabata (JP 2000-338306) and Saotome (the English Abstract of JP 57-174367). Applicants traverse the rejection because the art relied on by the Office does not disclose or suggest all of the features of the presently claimed invention.

Independent Claim 1 recites an adhesive layer that contains “a curable component and a cellulose resin including an ester bond, and the high refractive index layer is impregnated with a portion of the adhesive, ...” (see Claims 1 and 9). Applicants submit that the art relied on by the Office (i.e., Kawabata and Saotome) does not disclose or suggest any antireflection film having an adhesive layer containing a curable component and a cellulose resin. In fact, the Office admits that Kawabata is deficient in this regard:

With respect to claims 1 and 9, the difference between the claimed invention and the prior art of Kawabata is that Kawabata is silent as to teaching the adhesive containing a curable component and a cellulose resin including an ester bond, ...

See paragraph No. 7 on page 3 of the June 18, 2008 Office Action.

It appears that the Office relies on Saotome as evidence that it would be obvious to use an adhesive layer containing a curable component in the films disclosed in Kawabata. Applicants submit that this logic does not make sense because Saotome does not disclose an adhesive composition that has a curable component.

The Office points to the following text of the English translation of the Saotome Abstract as evidence that Saotome discloses an adhesive composition containing a curable component:

The ethylene-ethylacrylate copolymer has ethylacrylate content of at least 20%. Other comonomers are vinyl acetate, styrene, acrylonitrile, acrylic acid, itaconic acid, acrylamide, hydroxyethylacrylate, diglycidyl (meth)acrylate, etc. The

radical initiator is pref. organic peroxide such as benzoyl peroxide of dicumyl peroxide. Tackifier resins, stabilizers, fillers etc. may be added.

It appears that the Office is of the belief that unreacted monomer species such as vinyl acetate and styrene may be present in the Saotome composition. Applicants submit that this is not correct. In fact, Saotome explicitly discloses an ethylene-ethylacrylate copolymer. The monomers disclosed in the English Abstract of Saotome, e.g., ethylacrylate, vinyl acetate, styrene etc., have been reacted to form the ethylene-ethylacrylate copolymer. Thus, the monomers are no longer present in unreacted form and there is otherwise no suggestion in the English Abstract of Saotome that the adhesive composition contain any curable component.

The above analysis is buttressed by the English Abstract of Saotome obtained from the Japanese Patent Office website (the English Abstract provided by the Office appears to have been obtained from Derwent). A copy of the JPO English Abstract is concurrently submitted herewith. It is readily evident that Saotome references a composition that is obtained by first polymerizing a mixture to form a polymer product then mixing the resulting product with an additive, e.g., a tackifier to form an adhesive composition. As shown by the JPO English Abstract of Saotome, the art relied on by the Office, at best, discloses an adhesive composition that has already undergone polymerization, e.g., has already been cured, and thus the combination of Saotome with Kawabata does not lead one of ordinary skill in the art to an antireflection film having an adhesive layer containing a curable component.

Applicants thus request the Office withdraw the rejection over the combination of Saotome and Kawabata.

Applicants further traverse the rejection for the reason that the Office's basis for asserting that other features of the presently claimed invention are inherent in Kawabata and Saotome is not correct. Independent Claims 1 and 9 recite that "the high refractive index

layer is impregnated with a portion of the adhesive, ...". The Office appears to be of the opinion that this feature is inherent in the disclosure of one or both of Kawabata or Saotome.

The Office supports this assertion with the following logic:

With respect to the claimed feature "the high index refractive index layer is impregnated with a portion of the adhesive", it is reasonable to presume that said feature is present in the invention of Kawabata as modified by Saotome. The support for said presumption is based on the fact that the antireflection films of Applicant, and that of Kawabata as modified by Saotome comprise "a support, and antireflection layer disposed directly on the support, and an adhesive layer on the antireflection layer ... the antireflection layer comprise a high ... comprising metal oxide fine particles", and "an adhesive layer which constitutes ... ester bond", and the support is releasable from the antireflection layer. Thus, the antireflection films of Applicant and that of Kawabata as modified by Saotome are structurally and compositionally equivalent. Thus, the aforementioned claimed feature would be present in the invention of Kawabata as modified by Saotome.

See page 4, lines 12++ of the June 18, 2008 Office Action.

Applicants submit that the Office's basis for asserting that the "impregnated" feature of the present claims is disclosed or suggested by the cited prior art is not correct. The Office's reasoning is circular and presupposes its conclusion. The Office's logic may be boiled down as nothing more than an assertion that because the cited art may disclose some of the features of the present claims, the cited art also discloses all of the features of the present claims. The Office's presumption is nothing more than a conclusory statement unsupported by any evidence of record.

Applicants submit that those of ordinary skill in the art would not have any reason to believe that including the adhesive composition described in the English Abstract of Saotome in any film of Kawabata would form a structure in which the adhesive was at least partially "impregnated" in the film of Kawabata. As already discussed above, the adhesive composition of Saotome is one that has already undergone polymerization and comprises copolymer materials in addition to components such as tackifiers, etc. Applicants submit that

those of ordinary skill in the art would have no reason to believe that a polymer could intrude and/or impregnate into a layer of the Kawabata film. In contrast, as disclosed in the examples of the present application, an adhesive composition applied in the form of a solvent solution such as a solution in methylethyl ketone may impregnate a film layer. Such an application of an adhesive composition is not disclosed in the English Abstract of Saotome.

Thus, Applicants submit that the Office's presumption as set forth on page 4 of the June 16 Office Action is technically not supportable at least because there is no evidence of record that a polymer would penetrate and/or impregnate a film in the same manner of a solvent-containing adhesive composition containing a curable component.

Moreover, even if the Office's characterization of the cited art were correct, which Applicants do not admit, the combination of Saotome with Kawabata does not lead one of skill in the art to the "impregnated" feature of the presently claimed invention. Kawabata fails to disclose particles or a particle-containing layer having voids. Instead, at best, Kawabata discloses a metal oxide having surfaces closed by the surrounding resin matrix. This absence of voids precludes penetration of the of the high refractive index layer by any adhesive layer alleged by the Office to be adjacent to the particle-containing layer.

Arguendo, even if Saotome discloses an adhesive-containing layer, such a layer cannot impregnate the metal oxide-containing layer described in Kawabata when the oxide-containing layer does not have penetrable voids.

Thus the Office's assertion that the cited art renders the claims invention obvious is further not supportable.

Applicants draw the Office's attention to dependent Claims 19 and 22 which recite a cured antireflection film in which cross linkable functional groups on metal oxide fine particles are cross linked with the curable component of the adhesive layer. None of the art relied on by the Office discloses or suggests a cured antireflection film such as that claimed

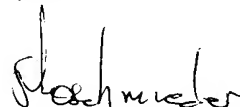
in Claims 19 and 22. Applicants thus submit that Claims 19 and 22 are further patentable over the art relied on by the Office.

With regard to the rejection under obviousness-type double patenting Applicants request the Office hold the rejection in abeyance until allowable subject matter has been indicated. Applicants reserve the option of file a Terminal Disclaimer later.

For the reasons discussed above in detail, Applicants submit that all now-pending claims are in condition for allowance. Applicants request withdrawal of the rejections and the allowance of all now-pending claims.

Respectfully submitted,

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